

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT LEE MOSHER, #12229-040,

Plaintiff,

Case No. 1:08-cv-1043

v

HON. JANET T. NEFF

RICHARD ALAN ENSLEN,

Defendant.

OPINION

Plaintiff initiated the present action against the Honorable Richard Alan Enslen on November 6, 2008 (Dkt 1). The Magistrate Judge conducted an initial review of the complaint pursuant to 28 U.S.C. § 1915(e)(2) to determine whether it is frivolous, malicious, or fails to state a claim upon which relief can be granted. The Magistrate Judge recommended that Plaintiff's complaint be dismissed for failure to state a claim upon which relief may be granted. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Judgment pursuant to FED. R. CIV. P. 58.

Plaintiff asserts that the Report and Recommendation should be reviewed for "not getting the facts correct." Plaintiff proceeds to re-assert nearly all of the claims found in his original complaint. Plaintiff again claims that the UNITED STATES is not the UNITED STATES OF

AMERICA and that this Court therefore lacks jurisdiction. Plaintiff's argument is without merit. The Magistrate Judge properly concluded that Plaintiff has asserted no facts which, if proven, would entitle him to relief.

For these reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Opinion and Judgment would not be taken in good faith. *See McGore v. Wigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997)

Judgment will be entered consistent with this Opinion.

Dated: March 13, 2009

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge

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JUDGMENT

In accordance with the Opinion entered this date:

IT IS HEREBY ORDERED that the Objections (Dkt 13) are DENIED and the Report and Recommendation (Dkt 12) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of the Judgment would not be taken in good faith.

Date: March 13, 2009

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge